

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-08-00004

DATE: June 12, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Sara Weber

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 9:08:06 - 10:38:42

10:59:04 - 12:01:00

1:31:40 - 2:40:20

2:55:02 - 4:25:55

APPEARANCES:

Defendant: Eun Young Lee

Marcelino Laserna

John Duenas

Mary Garcia

Joseph Pangelinan

Francisco Kawamoto

Margaret Untalan

Attorney: Richard Arens

Mark Smith

Cynthia Ecube

Leilani Lujan

Louie Yanza

Stephanie Flores

Rawlen Mantanona

☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter:

Language:

PROCEEDINGS: Jury Trial - Day 4

- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Jurors instructed to report back on: June 13, 2008 at 8:45 a.m.
- Jury Trial (Day 5) continued to: June 13, 2008 at 9:00 a.m.

Notes:

UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

United States of America

EXHIBIT AND WITNESS LIST

V.

EUN YOUNG LEE,

Case Number: **CR-08-00004**

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						6/9/08 - Day 1 - Commence trial; opening instructions; reading of indictment; opening statements given	
						1:34:00 - Frank Blaz called and sworn	
						DX by Ms. Johnson	
	1		6/9/08	6/9/08	6/9/08	1:56:50 - Exhibit 1 pages 1-24 offered and admitted	
			6/9/08			2:24:30 - Exhibits 9, 10, 17-67 offered by Government; Objections made.	
						2:25:15 - CX by Ms. Lujan - Exhibits 63, 64, 65, 66, 67	
						2:32:00 - Re-DX by Ms. Johnson	
						2:39:04 - Re-CX by Ms. Lujan	
						2:40:55 - CX by Mr. Mantanona - Exhibits 48, 49, 50, 51	
						2:45:00 - Re-DX by Ms. Johnson - Exhibits 46, 47-51	
						2:46:57 - Re-CX by Mr. Mantanona - Exhibits 49, 50, 51	
						2:47:41 - Jurors excused - 15 minutes recess	
						2:54:15 - Re-CX by Ms. Lujan -	
						3:02:05 - 5 minute recess	
						3:15:59 - Court resumes session	
						3:21:02 - Jurors excused - 15 minutes recess	
						3:27:30 - Government withdraws questioning as to copies of exhibits.	
						3:32:15 - Re-DX by Ms. Johnson	
						3:33:00 - Originals of exhibits 9, 10 and 17 to 67 offered.	
						3:33:09 - CX by Mr. Yanza	
						3:40:45 - Government renews offer of exhibits	
						3:41:17 - Re-CX by Ms. Lujan	
						3:52:00 - Re-DX by Ms. Johnson	
						3:56:41 - Renew offer of original Exhibits 9, 10 and 17 to 67	
						3:56:55 - CX by Ms. Flores	
						4:13:07 - Government renews offer of Exhibits 9, 10 and 17 through 67	
						4:14:38 - CX by Ms. Ecube	
						4:31:39 - Jurors excused for the day	
						4:39:52 - Witness excused for the day; request to reconvene 6/10/2008 at 9:00 a.m.	
						4:40:40 - End Day 1	
						9:05:31 - Begin Day 2 - June 10, 2008	
						9:10 - Witness Frank Blaz seated	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						9:12	- Continued CX by Ms. Ecube
						9:27	- CX by Mr. Smith
						10:31:00	- Re-DX by Ms. Johnson
						10:33:41	- Jurors excused - 15 minutes recess
						11:04:55	- Court recess
						11:23:05	- Jurors excused - lunch break - return by 1:15 p.m.
						11:37:59	- Re-CX by Ms. Lujan
						12:00:00 - 1:24:56	- Lunch Recess
	9-10		6/9/08	6/9/08	6/10/08	1:30	- Exhibits 9, 10
	17 - 67		6/9/08	6/9/08	6/10/08	Exhibits 17 through 67 conditionally admitted	
						1:41:00	- Jurors re-enter
						1:41:15	- Frank Blaz seated
						1:58:56	- CX by Mr. Mantanona
	1-1			6/10/08		11 GCA § 1103	
	1-2			6/10/08		11 GCA § 1103	
	1-3			6/10/08		11 GCA § 1104	
	1-4			6/10/08		11 GCA § 1106	
	1-5			6/10/08		11 GCA § 1107	
	1-6 to 1-13			6/10/08		11 GCA § 3101	
	1-14			6/10/08		12/27/89 Memorandum from Director's Assistant Joaquin L.G. Diego	
	1-15 to 1-19			6/10/08		12/5/89 Attorney General Opinion	
	1-20			6/10/08		6/2/97 Memorandum from Department of Revenue and Taxation, Administrator Maria C. Flores	
	1-21			6/10/08		2/5/99 Memorandum from Department of Revenue and Taxation, Director	
	1-22			6/10/08		10/31/02 Memorandum from Department of Revenue and Taxation, Administrator Maria C. Flores	
	1-23			6/10/08		7/16/04 Memorandum from Department of Revenue and Taxation	
		U-P	6/10/08	6/10/08	6/10/08	Standard Operating Procedures for the Driver's License Branch, Department of Revenue and Taxation - offered and admitted without objection	
		U-P 156		6/10/08		page 156 - 10/31/02 Memorandum from Department of Revenue and Taxation, Administrator Maria C. Flores	
		U-P 159		6/10/08		page 159 - 11/7/02 Acknowledge Receipt	
		U-P 248		6/10/08		Internal Revenue Service Individual Taxpayer Identification Notice	
		U-P 246-247		6/10/08		Printout of Internal Revenue Service webpage regarding Individual Taxpayer Identification Number	
						2:57:05	- Jurors excused
						3:00:00 - 3:21:12	- Afternoon break
						3:22:05	- Jurors seated
						3:22:15	- Continued CX by Mr. Mantanona
	9-1			6/10/08		MVD file for Sang Mee Chun	
		U-M	6/10/08	6/10/08	6/10/08	Driver's License Examiner I - offered and admitted without objection	
		U-N	6/10/08	6/10/08	6/10/08	Driver's License Examiner II - offered and admitted without objection	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
		U-O	6/10/08	6/10/08	6/10/08	Driver's License Examiner III - offered and admitted without objection	
						3:41:39 - CX by Ms. Flores	
	9-1			6/10/08		MVD file for Sang Mee Chun	
						3:55:00 - CX by Mr. Yanza	
	9-1			6/10/08		MVD file for Sang Mee Chun	
	10			6/10/08		MVD file for Mike Park	
		M	6/10/08	6/10/08	6/10/08	Computer Printout - offered and admitted without objection	
		M898		6/10/08		computer printout	
		M899		6/10/08		computer printout	
		M900		6/10/08		computer printout	
		M901		6/10/08		computer printout	
		M902		6/10/08		computer printout	
						4:22:30 - jurors excused for the day	
						4:23:40 - End Day 2	
						9:00:43 - Begin Day 3 - June 11, 2008	
						9:07:08 - Witness Frank Blaz seated	
						9:07:46 - Jurors seated	
						9:08:25 - CX by Ms. Lujan	
		U-W	6/11/08	6/11/08	6/11/08	Memorandum from Director re Requirement for Driver's License/Assignment of ITIN - offered and admitted without objection	
		U-U	6/11/08	6/11/08	6/11/08	Assignment of ITIN Number - Exhibit U-U offered and admitted without objection	
		U-P 156		6/11/08		page 156 - 10/31/02 Memorandum from Department of Revenue and Taxation, Administrator Maria C. Flores	
	63			6/11/08		MVD file for - Kil Ja Lee	
	65			6/11/08		MVD file for - Jin Woo Park	
	64			6/11/08		MVD file for - Keun Seok Bang	
	66			6/11/08		MVD file for - Kyung Ja Park	
	67			6/11/08		MVD file for - Jum Soo Park	
						10:29:10 - Jurors excused - 15 minutes recess	
						10:29:15 - Witness Blaz seated	
						10:51:45 - Jurors seated	
						10:52:15 - CX by Ms. Ecube	
	1-21			6/11/08		Memorandum	
	53			6/11/08		MVD file for - Ha Young Kim	
		U-M		6/11/08		Driver's License Examiner I Job Description	
		U-N		6/11/08		Driver's License Examiner II Job Description	
		U-O		6/11/08		Driver's License Examiner III Job Description	
	67-8			6/11/08		Computer printout	
	54			6/11/08		MVD file for - You Soon Kim	
	55			6/11/08		MVD file for - Sang C. Ryu	
	56			6/11/08		MVD file for - Jeong Min Ham	
						11:47:52 - CX by Mr. Arens	
		U-U		6/11/08		Assignment of ITIN Number	
	16-2			6/11/08		Photocopy of ITIN notification	
						11:56:06 - Jurors excused - lunch break - return by 1:15 p.m.	
						12:05:00 - 1:34:39 - Lunch recess	
						1:34:39 - Witness Blaz seated	
						1:35:30 - Jurors seated	
						1:38:30 - CX by Mr. Smith	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
	17			6/11/08		MVD file for - Sung Min Shing	
	18			6/11/08		MVD file for - Ki Choel Han	
	19			6/11/08		MVD file for - Jung Soo Yang	
	20			6/11/08		MVD file for - Young Min Ko	
	21			6/11/08		MVD file for - Geun Jae Lee	
	22			6/11/08		MVD file for - Seung Pill Choi	
	23			6/11/08		MVD file for - Dong Pyo Hong	
	28			6/11/08		MVD file for - Jun Sung Min	
	29			6/11/08		MVD file for - Hae Sook Kang	
	30			6/11/08		MVD file for - Jae Min Lee	
	31			6/11/08		MVD file for - Tae Kwun Jung	
	32			6/11/08		MVD file for - Won Il Ko	
	36			6/11/08		MVD file for - Jae Hoan Seok	
	35			6/11/08		MVD file for - Myung Sug Kim	
	25			6/11/08		MVD file for - Deuk Soon Choi	
						3:04:00 - Jurors excused - 15 minute recess	
						3:25:52 - Witness Blaz seated	
						3:26:30 - Jurors seated	
						3:27:00- Continued CX by Mr. Smith	
						3:29:10 - Re-DX by Ms. Johnson	
	11			6/11/08		Fraudulent ITIN letter given to Chun by Lee March 29, 2005	
	15		6/11/08	6/11/08	6/11/08	Department of Treasury-IRS-Blank form; offered and admitted without objections	
		U-P		6/11/08		Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division	
	85		6/11/08	6/11/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division	
						3:50:25 - Jurors excused	
						3:56:48 - Jurors seated	
	55			6/11/08		MVD file for - Sang C. Ryu	
						4:20:55- Re-CX by Mr. Mantanona	
	15			6/11/08		Department of Treasury-IRS-Blank form	
		U-U		6/11/08		Assignment of ITIN Number	
						4:31:08 - Jurors excused for the day - return 6/12/08 by 8:45	
						4:41:50 - End Day 3	
						9:08:06 - Begin Day 4 - June 12, 2008	
						9:09:24 - Witness Blaz seated	
						9:10:40 - Jurors seated	
						9:11:50 - CX by Ms. Smith	
						9:13:54 - CX by Mr. Yanza	
	11			6/12/08		Fraudulent ITIN Letter given to Chun by Lee March 29, 2005	
	15			6/12/08		Department of Treasury-IRS-Blank form	
						9:26:12 - CX by Ms. Lujan	
		U-P 156		6/12/08		Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division - page 156	
		U-W				Memorandum from Director re Requirement for Driver's License / Assignment of ITIN	
						9:36:40 - CX by Mr. Smith	
						9:41:28 - Witness Blaz excused	
						9:45:00 - Interpreter Kay Tompkins called and sworn	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						9:46:00 - Witness - Jae Hon Seok called and sworn	
	36			6/12/08		MVD file for - Jae Hoan Seok	
	84			6/12/08		ITIN letter given to Jae Han Seok by Lee on November 30, 2004	
						10:38:14 - 10:59:04 - Jurors excused - 15 minute recess	
						11:02:42 - Jurors seated	
						11:04:00 - CX by Mr. Arens	
		Lee-A p5:9-18				Plea Agreement, Criminal Case No. CR-06-00088-001, USA vs. Jae Hoan Seok	
						11:35:00 - Witness excused	
						11:37:00 - Witness Jesse Salas called and sworn	
						DX by Ms. Johnson	
	1-20 to 1-24			6/12/08		6/2/97 Memorandum from Department of Revenue and Taxation, Administrator Maria C. Flores; 2/5/99 Memorandum from Department of Revenue and Taxation, Director Joseph T. Duenas; 10/31/02 Memorandum from Department of Revenue and Taxation Administrator Maria C. Flores; 7/16/04 Memorandum from Department of Revenue and Taxation, Director Artemio B. Ilagan	
						12:01 - 1:31:40 - recess - Lunch break - jurors to return by 1:15; afternoon session to resume at 1:30	
						1:31:40 - Witness Salas seated	
						1:32:50 - Jurors seated	
						1:33:00 - Continued DX by Ms. Johnson	
	40-3			6/12/08		MVD file for Ok Sun Kim, pages 3 and 4	
						1:54:15 - CX by Mr. Mantanona	
	85			6/12/08		Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division	
	15			6/12/08		Department of Treasury-IRS-Blank form	
		U-U		6/12/08		Assignment of ITIN Number [REDACTED]	
		U-W		6/12/08		Memorandum from Director re Requirement for Driver's License / Assignment of ITIN	
	9-1			6/12/08		MVD File of Sang Mee Chun	
	1-23			6/12/08		Applicable Guam Statutes, Attorney General's Opinion, page 23	
		U-M		6/12/08		Guam Department of Revenue and Taxation - Job Description for Driver's License Examiner I	
		U-O		6/12/08		Guam Department of Revenue and Taxation - Job Description for Driver's License Examiner III	
		U-P p.16		6/12/08		Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division - Instruction Permit and Driver's License Application - page 16	
						2:40:20 - 2:55:02 - recess - jurors excused	
						2:55:02 - Witness seated	
						2:56:22- Jurors seated	
						2:56:35 - Continued CX by Mr. Mantanona	
		U-P p.248		6/12/08		Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division - page 248	
	15			6/12/08		Department of Treasury-IRS-Blank form	
		U-Q	6/12/08	6/12/08	6/12/08	Assignment of ITIN Number for Lee Mi Young - offered and admitted without objection	
		U-R	6/12/08	6/12/08	6/12/08	Assignment of ITIN Number for Sam Rang Lee - offered and admitted without objection	

[illegible]